

By Mr. Serra of Boston, petition of Emanuel G. Serra relative to the use and repair of certain public ways. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Eight.

AN ACT PERTAINING TO USE AND REPAIR OF WAYS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 1 of chapter 84 of the General Laws as most recently
2 amended, is hereby further amended by inserting the following
3 paragraphs: —

4 Any person, corporation, partnership, trust, governmental
5 body, board, commission, authority, agency or body politic and
6 corporate who occupies, rightfully or otherwise, the public or
7 private highways or town ways, shall, as a condition of such
8 occupation, be responsible and liable for the maintenance and
9 restoration of all pavement within thirty inches of any and all of
0 the appurtenant structures where they intersect the surface of the
1 public way, roadway, or sidewalk, and shall maintain said areas
2 and repair any defect in its entirety which lies wholly or in part
3 in the particular area. Defect shall include, but not be limited to
4 potholes, chuck holes, frost heaves, cracking, spalling, settling,
5 delaminating or patch repair. Repairs and restorations of
6 highways made by the above mentioned parties shall be made in
7 accordance with the specifications of the Public Works
8 Department, or comparable department, of the town in which the
9 town way concerned is located. Neither the commonwealth nor
0 any town shall incur or be liable for costs for such repairs and
restoration.

Construction or reconstruction of the pavement adjacent to any of the above mentioned structures shall not abrogate the responsibility and liability of the above described persons and entities.

